IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 624 OF 2006

Prakash Pralhad Babar.... .. Applicant.

Versus

The State of Maharashtra. .... Respondent.

Mr. Haji C.A.Panna with Mr. Sudeep Pasbola
for the Applicant.

Ms. Rajashree M. Gadhavi, APP for the State.

CORAM : V. M. KANADE, J.

DATED : 15TH FEBRUARY, 2006.

P.C.:

Heard learned Counsel for the Applicant and the learned APP for the State.

2. The Applicant is seeking anticipatory bail in connection with the offence which is registered with the Anti Corruption Bureau, Mumbai, for the offence punishable under the Prevention of Corruption Act, 1988 read with Sections 467, 468, 471 and 120B of the Indian Penal Code. It is alleged that the Applicant and others used to forge invoices in order to reduce the octroi duty of the goods which were being

transported. The Applicant is a proprietor of M/s. Prakash Octroi. It is submitted that the Applicant is not concerned in any way with the said offence as he merely fills in the Octroi Forms on the basis of the information given by the Transporters. He submitted that therefore the Applicant cannot be made liable for the offences which are committed by others. It is further submitted that the Applicant is handicapped and has met with the vehicular accident recently and therefore on these two grounds the learned Counsel submits that the anticipatory bail may be granted. Learned APP vehemently opposed the said application. She has invited my attention to the FIR and the other documents which indicate that there was a conspiracy hatched by the number of people for the purpose of reducing the octroi amount which was legally due and payable under the Octroi Rule.

3. Considering the nature of the offence and the allegations which are made in the FIR, in my view this is not a case for grant of anticipatory bail. The application for anticipatory bail is accordingly rejected.

Sd/-

(V. M. KANADE, J.)